

3:10V454

Defendants.

ORDER

On September 24, 2010, Plaintiff filed a motion to amend against the dismissed defendants. (Doc. No. 6). This Court denied Plaintiff's motion to amend by order dated September 30, 2010.

(Doc. No. 7). On October 7, 2010 Plaintiff filed a document which this Court construed as a Motion for Reconsideration of this Court September 30, 2010 Order. (Doc. No. 10). By Order dated October 27, 2010, the Court denied Plaintiff's Motion for Reconsideration. (Doc. No. 13). Plaintiff appealed this Court's Order denying reconsideration and the Fourth Circuit Court of Appeals dismissed his appeal. Gevara v. Keller, 2011 WL 195640 (January 21, 2011). On January 10, 2011, Defendant Inpold filed a Motion to Dismiss. (Doc. No. 21). Plaintiff filed his response on February 10, 2011.

By his motion, Plaintiff again seeks reconsideration of this Court's previous Order denying his Motion to Amend (Doc. No. 7) and has filed a second Motion to Amend which is essentially the same as his first Motion to Amend. (Doc. No. 24). A motion to reconsider is inappropriate where it merely seeks "to re-debate the merits of a particular motion." In re Vioxx Products Liability Litigation, 230 F.R.D. 473, 475 (E.D. La. 2005). Rather, the purpose of a motion for reconsideration is to correct "manifest errors of law or fact" DIRECTTV, Inc. V. Hart, 366 F.Supp.2d 315, 317 (E.D.N.C. 2004) (quoting Harsco Corp. V. Zlotnicki, 779 F.2d 907, 909 (3rd Cir. 1985)). "A motion to reconsider is appropriate where the court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the court by the parties, or has made an error not of reasoning but of apprehension." Id.

Plaintiff does not include any specific argument in his Motion for Reconsideration. Instead, in his one paragraph motion, he "asks this Court to reconsider all the documents and evidence already filed in this court and also to reconsider the First Amended Complaint for justice and truth." (Doc. No. 23). Plaintiff also attaches a Motion for Leave to Amend seeking to add the previously dismissed defendants to the case. As this Court has already denied Plaintiff's Motion for Reconsideration (Doc. No. 13) and Motion to Amend (Doc. No. 7) and Plaintiff has not added new

facts or argument, this Court will deny Plaintiff's Motions for the reasons previously stated by this Court.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Reconsideration and Motion for Leave to Amend (Doc. Nos. 23 and 24) are **DENIED**.

SO ORDERED.

Signed: February 14, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

